

## Stephen Stamboulieh

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**From:** Tab Lewis <tab.lewis@nara.gov>  
**Sent:** Thursday, December 23, 2021 12:55 PM  
**To:** Stephen Stamboulieh  
**Subject:** Re: [22-09342] Freedom of Information Act Request - Stephen Stamboulieh  
**Attachments:** FOIA Appeal and Dispute Resolution, Oct-29-2021.docx

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Completed

December 23, 2021

Stephen D. Stamboulieh  
Stamboulieh Law, PLLC  
P.O. Box 428  
Olive Branch, MS 38654

Dear Mr. Stamboulieh:

This is in response to your Freedom of Information (FOIA) request (22-09342) of November 29, 2021, concerning comments on proposed rulemaking and hearing transcripts. We received it in this office on December 1, 2021.

Aside from records associated with the Kennedy assassination, the earliest date of records of the Bureau of Alcohol, Tobacco, Firearms, and Explosives (Record Group 436) in our holdings is 1970. Moreover, public comments on proposed rules are not considered historically valuable so they are not retained as permanent records by the National Archives. The agency retains them as long as they are needed for current business and then destroyed.

Insofar as records of the Internal Revenue Service (Record Group 58) are concerned, the records do not include any separate files relating to testimony or hearings. Any information is dispersed among the files.

We make reasonable efforts to assist researchers with their work. As a matter of policy, the National Archives is staffed to assist researchers with their work, including but not limited to pointing researchers to helpful finding aids to begin their research. However, given the limitations on staff resources, we do not generally conduct substantive research in response to requests filed under the Freedom of Information Act, except in circumstances where documents are easily locatable.

You asked for a waiver of the fees normally charged for providing researchers with copies of archival records. The fee and fee waiver provisions of the Freedom of Information Act (FOIA), however, do not apply to archival records. The FOIA fee section states that "Nothing in this subparagraph shall supersede fees chargeable under a statute specifically providing for setting the level of fees for particular types of records." [5 U.S.C. 552(a)(4)(vi)]. Accordingly, the NARA fee statute, 44 U.S.C. 2116(c), and implementing regulations at 36 C.F.R. Part 1258, apply exclusively to your request, under which the National Archives does not waive reproduction charges for individual requesters. Our inability to grant

Exhibit "2"

you the requested fee waiver does not constitute a denial for the purposes of the FOIA.

We do not consider this response a denial under the Freedom of Information Act because the records you seek are not in our holdings. However, if you are not satisfied with our action on this request, your options for appeal and dispute resolution are outlined in the attachment.

Sincerely,

TAB LEWIS  
Textual Reference Operations  
National Archives at College Park, Maryland